

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
106	32:21.	June 3, 1916, ch. 134, § 67 (1st par.), 39 Stat. 199.

The words “issue of” are substituted for the words “the expense of providing”. The words “for issue to the National Guard” and “pertaining to said guard as are or may be” are omitted as surplusage.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 107 of this title; title 10 section 18502.

§ 107. Availability of appropriations

(a) Under such regulations as the Secretary concerned may prescribe, appropriations for the National Guard are available for—

(1) the necessary expenses of members of a regular or reserve component of the Army or the Air Force traveling on duty in connection with the National Guard;

(2) the necessary expenses of officers of the Regular Army or the Regular Air Force on duty in the National Guard Bureau or with the Army General Staff or the Air Staff, traveling to and from annual conventions of the National Guard Association of the United States or the Adjutants General Association;

(3) the transportation of supplies furnished to the National Guard as permanent equipment;

(4) the office rent and necessary office expenses of officers of a regular or reserve component of the Army or the Air Force on duty with the National Guard;

(5) the expenses of the National Guard Bureau, including clerical services;

(6) the promotion of rifle practice, including the acquisition, construction, maintenance, and equipment of shooting galleries and suitable target ranges;

(7) such incidental expenses of authorized encampments, maneuvers, and field instruction as the Secretary considers necessary; and

(8) other expenses of the National Guard authorized by law.

(b) The expenses of enlisted members of the Regular Army or the Regular Air Force on duty with the National Guard shall be paid from appropriations for the Army National Guard or the Air National Guard, as the case may be, but not from the allotment of a State or Territory, Puerto Rico, or the District of Columbia. Payable expenses include allowances for subsistence and quarters under sections 402 and 403 of title 37 and expenses for medicine and medical attendance.

(c) The pay and allowances for the Chief of the National Guard Bureau and officers of the Army National Guard of the United States or the Air National Guard of the United States called to active duty under section 12402 of title 10 shall be paid from appropriations for the pay of the Army National Guard or Air National Guard.

(Aug. 10, 1956, ch. 1041, 70A Stat. 599; Sept. 11, 1967, Pub. L. 90-83, § 4, 81 Stat. 220; Aug. 13, 1971, Pub. L. 92-119, § 1(a), 85 Stat. 340; Sept. 13, 1982, Pub. L. 97-258, § 2(h), 96 Stat. 1061; Sept. 29, 1988,

Pub. L. 100-456, div. A, title XII, § 1234(b)(1), 102 Stat. 2059; Oct. 5, 1994, Pub. L. 103-337, div. A, title XVI, § 1676(a)(1), 108 Stat. 3019.)

HISTORICAL AND REVISION NOTES
1956 ACT

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
107(a)	32:22 (less proviso).	June 3, 1916, ch. 134, § 67 (2d par.), 39 Stat. 199;
107(b)	32:22 (proviso, less words between 5th and 7th semicolons).	Sept. 22, 1922, ch. 423, § 3, 42 Stat. 1034; Apr. 6, 1928, ch. 321, 45 Stat. 406.
107(c).	32:22 (words between 5th and 7th semicolons of proviso).	

In subsection (a), the words “strengths in enlisted members of the active” are substituted for the words “number of enlisted men in active service”. The words between the eighth and ninth semicolons of 32:22, relating to horses and draft animals, are omitted as obsolete, since no animals are now authorized for the National Guard. The words “under section 106 of this title” are inserted, since only appropriations under that revised section are required to be apportioned.

In subsection (b)(1) and (2), the words “actual and” are omitted as surplusage.

In subsection (b)(2), the words “Reserve Officers holding commission in the National Guard” are omitted as covered by the words “officers of a * * * reserve component of the Army or the Air Force”. The words “Army General Staff” are substituted for the words “War Department General Staff” to conform to section 3031(b) of title 10.

In subsection (c), the words “under sections 251 and 252 of title 37” are substituted for the words “provided in section 19 of title 37”, since allowances for subsistence and quarters are now covered by those sections. The words “shall be paid from appropriations for the National Guard, but not from the allotment of a State or Territory, Puerto Rico, the Canal Zone, or the District of Columbia” are substituted for the words “shall constitute a charge against the whole sum annually appropriated for the support of the National Guard, and shall be paid therefrom and not from the allotment duly apportioned for any particular State, Territory, or the District of Columbia”.

1982 ACT

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
32:107(c) ..	31:698.	Aug. 10, 1956, ch. 1041, § 30, 70A Stat. 632.

The work “appropriations” is substituted for “funds appropriated” for consistency in the title.

AMENDMENTS

1994—Subsec. (c). Pub. L. 103-337 substituted “12402” for “3496 or 8496”.

1988—Subsec. (b). Pub. L. 100-456 struck out “the Canal Zone,” after “Puerto Rico,”.

1982—Subsec. (c). Pub. L. 97-258 added subsec. (c).

1971—Pub. L. 92-119, § 1(a)(1), substituted “Availability” for “Apportionment” in section catchline.

Subsec. (a). Pub. L. 92-119, § 1(a)(2), (3), (4), redesignated subsec. (b) as (a) and substituted “appropriation for the National Guard” for “apportioned appropriation”. Former subsec. (a), which provided for apportionment of appropriations for Army National Guard and Air National Guard under prescribed formulas among States, territories, Puerto Rico, Canal Zone, District of Columbia, was struck out.

Subsecs. (b), (c). Pub. L. 92-119, § 1(a)(4), redesignated subsec. (c) as (b). Former subsec. (b) redesignated (a) and amended.

1967—Subsec. (c). Pub. L. 90-83 substituted “402 and 403” for “251 and 252”.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-337 effective Dec. 1, 1994, except as otherwise provided, see section 1691 of Pub. L. 103-337, set out as an Effective Date note under section 10001 of Title 10, Armed Forces.

CROSS REFERENCES

National Guard Bureau, assignment of regular or reserve officers of Army or Air Force, see section 10507 of Title 10, Armed Forces.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 10 section 18502.

§ 108. Forfeiture of Federal benefits

If, within a time fixed by the President, a State fails to comply with a requirement of this title, or a regulation prescribed under this title, the National Guard of that State is barred, in whole or in part, as the President may prescribe, from receiving money or any other aid, benefit, or privilege authorized by law.

(Aug. 10, 1956, ch. 1041, 70A Stat. 600; Oct. 5, 1994, Pub. L. 103-337, div. A, title IX, § 904(c), 108 Stat. 2827.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
108	32:24.	June 3, 1916, ch. 134, § 116, 39 Stat. 212.

The words “does not comply” are substituted for the words “shall * * * have failed or refused to comply”. The words “a requirement of, or regulation prescribed under, this title” are substituted for the words “any requirement of this title, or any regulation promulgated thereunder and in aid thereof by the President or the Secretary of the Army”. The words “money or any other aid” are substituted for the words “pecuniary or other aid”. The words “or provided by this title or any other” are omitted as surplusage.

AMENDMENTS

1994—Pub. L. 103-337 amended section generally. Prior to amendment, section read as follows: “If, within a time to be fixed by the President, a State does not comply with or enforce a requirement of, or regulation prescribed under, this title its National Guard is barred, wholly or partly as the President may prescribe, from receiving money or any other aid, benefit, or privilege authorized by law.”

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-337 effective at end of 90-day period beginning on Oct. 5, 1994, see section 904(d) of Pub. L. 103-337, set out as an Effective Date note under section 10501 of Title 10, Armed Forces.

§ 109. Maintenance of other troops

(a) In time of peace, a State or Territory, Puerto Rico, the Virgin Islands, or the District of Columbia may maintain no troops other than those of its National Guard and defense forces authorized by subsection (c).

(b) Nothing in this title limits the right of a State or Territory, Puerto Rico, the Virgin Islands, or the District of Columbia to use its National Guard or its defense forces authorized by subsection (c) within its borders in time of peace, or prevents it from organizing and maintaining police or constabulary.

(c) In addition to its National Guard, if any, a State or Territory, Puerto Rico, the Virgin Is-

lands, or the District of Columbia may, as provided by its laws, organize and maintain defense forces. A defense force established under this section may be used within the jurisdiction concerned, as its chief executive (or commanding general in the case of the District of Columbia) considers necessary, but it may not be called, ordered, or drafted into the armed forces.

(d) A member of a defense force established under subsection (c) is not, because of that membership, exempt from service in the armed forces, nor is he entitled to pay, allowances, subsistence, transportation, or medical care or treatment, from funds of the United States.

(e) A person may not become a member of a defense force established under subsection (c) if he is a member of a reserve component of the armed forces.

(Aug. 10, 1956, ch. 1041, 70A Stat. 600; Sept. 2, 1958, Pub. L. 85-861, § 2(2), 72 Stat. 1542; Sept. 29, 1988, Pub. L. 100-456, div. A, title XII, § 1234(b)(1), 102 Stat. 2059.)

HISTORICAL AND REVISION NOTES
1956 ACT

Revised section	Source (U.S. Code)	Source (Statutes at Large)
109(a)	32:194(a) (1st sentence). 32:194(c) (as applicable to 32:194(a) (1st sentence)).	June 3, 1916, ch. 134, § 61 (less (b)); restated Oct. 21, 1940, ch. 904 (less last 3 provisos); restated Aug. 18, 1941, ch. 363 (less last 3 provisos); restated Oct. 1, 1942, ch. 570 (less (b)); restated June 26, 1944, ch. 279 (less (b)); restated Sept. 27, 1950, ch. 1058 (less (b)), 64 Stat. 1072.
109(b).	32:194(a) (less 1st sentence). 32:194(c) (less applicability to 32:194(a) (1st sentence)).	

In subsection (a), the words “those of its National Guard” are substituted for the words “as authorized in accordance with the organization prescribed under this Act”.

In subsections (a) and (b), the provisions of 32:194(c) are exhausted by the enumeration of the jurisdictions named.

In subsection (b), the words “Nothing in this title limits” are substituted for the words “Nothing contained in this Act shall be construed to limit”.

1958 ACT

Section of title 32	Source (U.S. Code)	Source (Statutes at Large)
109(c)	32 App.:194(b) (less 4th and last sentences).	Aug. 11, 1955, ch. 802, 69 Stat. 686.
109(d)	32 App.:194(b) (4th sentence).	
109(e)	32 App.:194(b) (last sentence).	

In subsection (c), the words “heretofore authorized by this Act [sic]”, “as such”, and “in any manner” are omitted as surplusage.

In subsection (d), the words “under any Federal law” are omitted since only Federal law could require service in the armed forces. The word “military” is omitted as surplusage.

In subsection (e), the words “defense force” are substituted for the words “organized militia” for accuracy and to conform to subsection (c). The words “reserve component of the armed forces” are substituted for the words “Reserve Forces as defined in section 901 of Title 50”, since that term is not defined in the Armed Forces Reserve Act of 1952.

AMENDMENTS

1988—Subsecs. (a) to (c). Pub. L. 100-456 struck out “the Canal Zone,” after “Virgin Islands,”.